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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/763,094  | 01/22/2004  | Mark Elliott Hack    | AUS920031030US1     | 6053             |
| 35525   | 7590        | 05/15/2006           | EXAMINER            |                  |
| IBM CORP (YA)<br>C/O YEE & ASSOCIATES PC<br>P.O. BOX 802333<br>DALLAS, TX 75380 |             |                      | WANG, ALBERT C      |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2115                |                  |

DATE MAILED: 05/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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|                              |                        |  |                     |  |
|------------------------------|------------------------|--|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> |  | <b>Applicant(s)</b> |  |
|                              | 10/763,094             |  | HACK, MARK ELLIOTT  |  |
|                              | <b>Examiner</b>        |  | <b>Art Unit</b>     |  |
|                              | Albert Wang            |  | 2115                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

### DETAILED ACTION

1. Original claims 1-25 are pending.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Buch, U.S.

Patent No. 6,901,522.

As per claim 1, Buch discloses a method in a data processing system for managing a set of processors, the method comprising:

receiving a call from an operating system, wherein the call indicates that a selected processor in the set of processors is unneeded for a period of time (fig. 3, step 320; col. 3, lines 16-21, periodic monitoring; col. 3, line 60 – col. 4, line 18; col. 5, lines 19-28); and

altering operation of the selected processor to reduce power usage during the period of time (fig. 3, step 330; col. 3, line 60 – col. 4, line 18; col. 5, lines 19-28).

As per claim 2, Buch discloses the call is a sub-processor partitioning call (col. 3, line 60 – col. 4, line 18).

As per claim 3, Buch disclose the period of time is a time during which idle cycles are present for the selected processor (col. 3, line 60 – col. 4, line 18).

As per claim 4, Buch teaches wherein the selected processor is in an original state prior altering operation of the selected processor and further comprising: returning the selected processor to the original state after the period of time has elapsed (col. 4, lines 19-25).

As per claim 5, Buch incorporates the ACPI Specification (col. 4, lines 6-18). Returning the selected processor to the original state if an external interrupt indicating work is present for the selected processor is received is inherent in the ACPI Specification (e.g. processor power state C1 must be exited when interrupt is presented to processor)

As per claim 6, Buch discloses wherein the receiving step and the altering step are performed by a runtime abstraction layer (col. 5, lines 10-28).

As per claim 7, Buch incorporates the ACPI Specification (col. 4, lines 6-18). Reducing a clock speed of the selected processor is inherent in the ACPI Specification.

As per claim 8, Buch discloses placing the selected processor in a sleep mode (col. 4, lines 32-38).

As per claims 9-24, since Buch discloses the method of claims 1-8, Buch discloses the claim system and program.

As per claim 25, Buch discloses a data processing system comprising:  
a bus system (fig. 1, bus 130);  
a memory connected to the bus system, wherein the memory includes a set of instructions (fig. 1, storage device 120; col. 2, lines 46-63); and

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a processing unit connected to the bus system, wherein the processing unit executes a set of instructions to receive a call from an operating system (fig. 1, processors 110; col. 2, lines 46-63), wherein the call indicates that a selected processor in the set of processors is unneeded for a period of time (fig. 3, step 320; col. 3, lines 16-21, periodic monitoring; col. 3, line 60 – col. 4, line 18; col. 5, lines 19-28), and alter operation of the selected processor to reduce power usage during the period of time (fig. 3, step 330; col. 3, line 60 – col. 4, line 18; col. 5, lines 19-28).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert Wang whose telephone number is 571-272-3669. The examiner can normally be reached on M-F (9:30 - 6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**CHUN CAO**  
**PRIMARY EXAMINER**